

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 15 CR 116

:

-against-

:

United States Courthouse  
Brooklyn, New York

TAIROD NATHAN WEBSTER PUGH :

March 18, 2015

Defendant. : 11:00 o'clock a.m.

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TRANSCRIPT OF ARRAIGNMENT  
BEFORE THE HONORABLE NICHOLAS G. GARAUFIS  
SENIOR UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government:

LORETTA E. LYNCH  
United States Attorney  
BY: SAMUEL P. NITZE  
TIANA A. DEMAS  
Assistant United States Attorneys  
271 Cadman Plaza East  
Brooklyn, New York

For the Defendant:

MICHAEL K. SCHNEIDER, ESQ.  
Federal Defenders of New York

Court Reporter:

Gene Rudolph  
225 Cadman Plaza East  
Brooklyn, New York  
(718) 613-2538

Proceedings recorded by mechanical stenography, transcript  
produced by computer-aided transcription.

1 THE CLERK: Criminal cause for arraignment.

2 Counsel, please state your appearances.

3 MR. NITZE: Sam Nitze and Tiana Demas for the United  
4 States.

5 Good morning, Your Honor.

6 THE COURT: Good morning.

7 MS. DEMAS: Good morning.

8 MR. SCHNEIDER: Federal Defenders by Michael  
9 Schneider for Mr. Pugh.

10 Good morning.

11 THE COURT: Good morning.

12 Sir, just tell me your full name.

13 THE DEFENDANT: Tairod Nathan Webster Pugh.

14 (Door buzzes in courtroom.)

15 THE COURT: Sorry for the interruption. Tell me  
16 again your name.

17 THE DEFENDANT: Tairod Nathan Webster Pugh.

18 THE COURT: Thank you all right.

19 This is an arraignment for you, Mr. Pugh. I am  
20 going to read the indictment, which is brief. It reads as  
21 follows:

22 "The grand jury charges, Count One, Attempt to  
23 Provide Material Support to Foreign Terrorist Organization.

24 One. On or about and between May 15, 2014 and  
25 January 12, 2015, both dates being approximate and inclusive,

1 within the extraterritorial jurisdiction of the United States,  
2 the defendant Tairod Nathan Webster Pugh did knowingly and  
3 intentionally attempt to provide material support and  
4 resources, as defined in 18 United States Code Section  
5 2339A(b), including personnel, including Pugh himself, to a  
6 foreign terrorist organization, to wit: the Islamic State of  
7 Iraq and the Levant.

8 Count Two, Obstruction and Attempted Obstruction of  
9 an Official Proceeding.

10 Two. On or about and between January 10, 2015 and  
11 January 16, 2015, within the Eastern District of New York and  
12 elsewhere, the defendant Tairod Nathan Webster Pugh did  
13 knowingly, intentionally and corruptly, A, alter, destroy,  
14 mutilate and conceal one or more records, documents and  
15 objects, to wit: four USB thumb drives bearing the numbers  
16 20071464R5, NMC 850160, AR212W and 484R1, and the files and  
17 images contained thereon, and attempt to do so, with the  
18 intent to impair such items' integrity and availability for  
19 use in an official proceeding, to wit: a proceeding before a  
20 federal grand jury in the Eastern District of New York  
21 relating to the commission and possible commission of one or  
22 more terrorism offenses, including the offense charged in  
23 Count One, the grand jury terrorism investigation; and, B,  
24 obstruct, influence and impede an official proceeding, to wit:  
25 the grand jury terrorism investigation, and attempt to do so."

1           In addition, there is a criminal forfeiture  
2 allegation as to Counts One and Two, in which the United  
3 States gives notice to the defendant that "upon his conviction  
4 of either of the offenses charged in Counts One and Two, the  
5 government will seek in accordance with Title 18, United  
6 States Code, Section 981(a)(1)(C) and (G) and Title 18, United  
7 States Code, Section 2461(c), which requires the forfeiture of  
8 any property, real or personal, constituting or derived from  
9 proceeds traceable to said offenses; and, B, all assets,  
10 foreign or domestic: 1, of any individual, entity or  
11 organization engaged in planning or perpetrating any Federal  
12 crime of terrorism against the United States, citizens or  
13 residents of the United States, or their property, and all  
14 assets, foreign or domestic, affording any person a source of  
15 influence over such entity or organization; 2, acquired or  
16 maintained by any person with the intent for the purpose of  
17 supporting, planning, conducting or concealing any Federal  
18 crime of terrorism against the United States, citizens or  
19 residents of the United States; or their property; 3, derived  
20 from, involved in, or used or intended to be used to commit  
21 any Federal crime of terrorism against the United States,  
22 citizens or residents of the United States or their property;  
23 or, four, any individual, entity or organization engaged in  
24 planning or perpetrating any act of international terrorism  
25 against any international organization or against any foreign

1 Government, including but not limited to the following."

2 The items are, one HP Laptop Computer, one Apple  
3 iPod, one Samsung Galaxy S4 Mobile Telephone, one Pixel Mobile  
4 Telephone, and five USB thumb drives.

5 Mr. Schneider, have you discussed the charges set  
6 forth in Counts One and two of the indictment with your  
7 client?

8 MR. SCHNEIDER: Yes, I have.

9 THE COURT: Does your client wish to enter a plea at  
10 this time as to the charges in the indictment?

11 MR. SCHNEIDER: Yes.

12 He will plead not guilty to each count.

13 THE COURT: All right. A plea of not guilty is  
14 entered as to both counts of the indictment, which brings us  
15 to the next step.

16 Is there discovery?

17 MR. NITZE: There is discovery, which will be going  
18 out to the defense shortly, Your Honor. The parties expect to  
19 be engaging in plea discussions. We understand Your Honor has  
20 time on May 8th at 10:30 and we would ask that the case be put  
21 on then. Certainly, if the case could be resolved before  
22 then, we could be in touch with you. But we'd ask the case be  
23 put down for status conference on that date.

24 MR. SCHNEIDER: I agree.

25 THE COURT: All right. Just one minute.

1 (Pause)

2 May 8th at 10:30?

3 MR. NITZE: Yes.

4 THE COURT: All right.

5 MR. NITZE: We would ask that time be excluded in  
6 the interest of justice to permit us to engage in those  
7 discussions without putting at risk anybody's ability to  
8 prepare for trial.

9 MR. SCHNEIDER: I agree.

10 THE COURT: All right. May 8th, at 10:30, for a  
11 status conference. Time is excluded under the Speedy Trial  
12 Act in the interest of justice on consent of the parties for  
13 review of discovery and plea negotiations.

14 It seems that the charges here are pretty  
15 straightforward. I am prepared to go to trial at the earliest  
16 possible time with regard to this defendant. How soon can the  
17 government be ready for trial?

18 MR. NITZE: The government could be ready for trial  
19 quickly.

20 THE COURT: How about the defense?

21 MR. SCHNEIDER: Before I could contemplate trying  
22 this case, I would need a bit by bit copy of the hard drive  
23 computer the government says was seized from my client. I'd  
24 have to have that reviewed by a forensic expert. That's the  
25 only delaying factor that I could envision.

1 MR. NITZE: One other potential factor would be  
2 requests for evidence through Mutual Legal Assistance  
3 Treaties. That also could take some time.

4 MR. SCHNEIDER: Some of the witnesses are obviously  
5 going to be from Turkey and Egypt, I assume. So that could be  
6 a delaying factor, I think is what the government is saying.

7 THE COURT: Let me just say this. I am prepared to  
8 try this case this summer. Don't make any vacation plans. I  
9 am available to try it. I think an early trial is appropriate  
10 in a case such as this. You can pencil in July and start  
11 getting all of the evidence and all of the analysis taken care  
12 of. It is March. That gives you plenty of time.

13 I am disinclined to stretch this out beyond the  
14 summer. There will be more to discuss when we meet on  
15 May 8th, but I would like a full report as to the status of  
16 all the analyses that are being done and all the availability  
17 of witnesses so that we can move forward with it at the  
18 earliest possible time to trial, if there is not a disposition  
19 short of trial.

20 Mr. Nitze?

21 MR. NITZE: Understood.

22 THE COURT: Anything else?

23 MR. SCHNEIDER: No.

24 THE COURT: The Magistrate Judge ordered an order of  
25 detention pending trial. That remains in effect.

1 Is there anything further for today?

2 MR. NITZE: Nothing from the government.

3 THE COURT: Anything from you, sir?

4 MR. SCHNEIDER: No.

5 THE COURT: I will see you on May 8th.

6 Thank you.

7 MR. NITZE: Thank you, Judge.

8 MS. DEMAS: Thank you.

9 (Matter concludes.)

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C E R T I F I C A T I O N

I certify that the foregoing is a correct transcript  
from the record of proceedings in the above-entitled  
matter.

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s/Gene Rudolph, Official Court Reporter

Date: March 18, 2015

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